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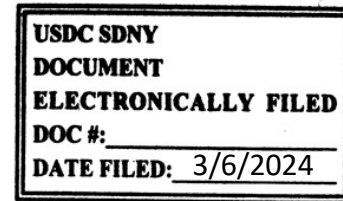
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March 5, 2024

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007



Re: Damian Milhouse v. City of New York, et al.,
24 Civ. 00611 (LAK) (KHP)

Your Honor:

I represent defendants the City of New York (the “City”), Mayor Eric Adams, former Mayor Bill de Blasio, and former Deputy of Correction Commissioners Louis Molina, Cynthia Brann, and Vincent Schiraldi in the above-referenced matter. Defendants write to respectfully request that the Court enlarge the time for all defendants to respond to the complaint, *nunc pro tunc*, from March 1, 2024 until April 30, 2024. This is defendants’ first such request. Plaintiff consents to this request.

By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983 against defendants, Department of Correction (“DOC”) Captain Blake (Shield #89), DOC Correction Officer (“CO”) Jordan (Shield #7936), DOC CO Pichardo (Shield #13717), and several “John or Jane Doe” DOC employees, alleging claims of, *inter alia*, excessive force, deliberate indifference to medical needs, and a Monell claim against the City, arising from two incidents on Rikers Island in 2021. (See ECF No. 1).

On February 6, 2024, the City and Mayor Adams were served with process. (See ECF Nos. 9 and 10). On February 9, 2024, former Deputy of Correction Commissioners Molina, Brann, and Schiraldi were served with process. (See ECF Nos. 11–13). Upon information and belief, and according to the docket sheet, the individuals identified in the caption as DOC Captain Blake, DOC CO Jordan, and DOC CO Pichardo have not yet been served with process. On March 4, 2024, this case was assigned to the undersigned attorney.

This extension is sought for multiple reasons. An enlargement of time to answer or otherwise respond to the complaint is necessary in order for defendants to begin their investigation

into the facts of this case pursuant to Rule 11 of the Federal Rules of Civil Procedure (“FRCP”). An enlargement of time will allow defendants to investigate all claims, defenses, and any underlying evidentiary support pursuant to FRCP 11. To do so, relevant records must be obtained from DOC. Because plaintiff alleges injuries to his hand, defendants will request that plaintiff forward a HIPAA complaint medical release allowing access to plaintiff’s relevant medical records. Furthermore, an extension of time will allow defendants to determine whether there has been any investigation into these incidents by DOC.

Accordingly, defendants respectfully request a sixty-day extension of time for all defendants to respond to the complaint—from March 1, 2024 until April 30, 2024.

Thank you for your time and consideration.

Respectfully submitted,

/s/ *Bailey Forcier*

Bailey Forcier

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **Via ECF**
All counsel of record

Request GRANTED. Defendants must file an answer or motion in response to the Complaint by April 30, 2024

SO ORDERED:

Katharine H Parker

HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

3/6/2024